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ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 29 2014

at 12 o'clock and 07 min. PM  
SUE BEITIA, CLERK *ST*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA

Case No: 1:14-cr-00010-HG

DECEDENT PLAINTIFF,

OMNIBUS MOTION TO DISMISS FOR  
LACK OF SUBJECT MATTER  
JURISDICTION, TERRITORIAL AND  
LEGISLATIVE JURISDICTION, AND IN  
PERSONAM JURISDICTION, DUE TO  
GROSS VIOLATIONS OF PUBLIC  
POLICY, FEDERAL RULES OF CRIMINAL  
PROCEDURE, RULE 12(b)(3)(B), AND  
LOCAL RULE 47; NOTICE OF ALIBI  
DEFENSE, FRCRP RULE 12.1; NOTICE  
OF PUBLIC AUTHORITY DEFENSE,  
FRCRP, RULE 12.3; NOTICE OF  
DISCLOSURES, FRCRP, RULE 12.4;  
AFFIDAVIT IN SUPPORT OF OMNIBUS  
MOTION TO DISMISS FOR LACK OF  
SUBJECT MATTER JURISDICTION,  
TERRITORIAL AND LEGISLATIVE  
JURISDICTION, AND IN PERSONAM  
JURISDICTION, DUE TO GROSS  
VIOLATIONS OF PUBLIC POLICY,  
FEDERAL RULES OF CRIMINAL  
PROCEDURE, RULE 12(b)(3)(B), AND  
LOCAL RULE 47; NOTICE OF ALIBI  
DEFENSE, FRCRP Rule 12.1; NOTICE  
OF PUBLIC AUTHORITY DEFENSE,  
FRCRP, RULE 12.3; NOTICE OF  
DISCLOSURES, FRCRP, RULE 12.4;  
EXHIBITS 1 THROUGH 11; CERTIFICATE  
OF SERVICE

JENNIFER ANN MCTIGUE®,  
INFANT DECEDENT DEFENDANT

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COMES NOW McTigue, Jennifer Ann, by Special Appearance without waiving  
Any Rights, Remedies or Defenses, Statutory or Procedural, by Notice through a  
Deposit for a Special Purpose, in the capacity of Grantor, Heir and Beneficiary of

the Legal Estate of the decedent JENNIFER ANN MCTIGUE® by Intestate Succession through Descent and Distribution, and moves this court to dismiss the fictitious indictment under PUBLIC POLICY Federal Rules of Criminal Procedure ("FRCRP"), Rule 12(b)(3)(B) and Local Rule 47 for lack of subject matter jurisdiction, lack of territorial and legislative jurisdiction, lack of in personam jurisdiction and gross violations of PUBLIC POLICY and the limitations placed upon the federal actors by the Constitution of the United States of America and in support states:

1. I, McTigue, Jennifer Ann hereby include by reference as though fully contained herein the factual statements made in support of this motion and in support of the evidence attached to my AFFIDAVIT IN SUPPORT OF OMNIBUS MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, TERRITORIAL AND LEGISLATIVE JURISDICTION, AND IN PERSONAM JURISDICTION, DUE TO GROSS VIOLATIONS OF PUBLIC POLICY, FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 12(b)(3)(B), AND LOCAL RULE 47; NOTICE OF ALIBI DEFENSE, FRCRP Rule 12.1; NOTICE OF PUBLIC AUTHORITY DEFENSE, FRCRP, RULE 12.3; NOTICE OF DISCLOSURES, FRCRP, RULE 12.4 ("Affidavit in Support").

2. I, McTigue, Jennifer Ann do hereby, on, in, and for the record accept the open offer of the Oath of Office of presiding Judge Helen M. Gillmor to support, defend, and be bound by the limitations placed upon her by the Constitution of the United States of America, and seek her assistance in enforcing compliance with the Constitutional limitations placed upon the Federal Actors named herein.

3. The facts before the court, submitted by sworn affidavit, must be heard as a **Case of first impression**, and this Court must issue its findings of fact, point by point, on the record under PUBLIC POLICY of FRCRP, Rule 12(b)(2)(d).

4. This Court has a binding duty to uphold PUBLIC POLICY and to enforce the limitations placed upon Federal Actors by the Constitution of the United States of America and International Law as the supreme law of the land.

5. This Court has a binding duty to recognize McTigue, Jennifer Ann's Affirmative Defense and Claim for Contribution and Indemnification under a maritime insurance policy and Article 38 of the Lieber Code, as an appropriate claim that does not violate PUBLIC POLICY.

6. This Court lacks jurisdiction and venue to maintain the fictitious indictment before it, as the UNITED STATED DISTRICT COURT operates as a State Territorial Court and as a branch/franchise of the JUDICIARY COURTS OF THE STATE OF HAWAII, lacking original jurisdiction over criminal matters as established by PUBLIC POLICY Title 18 § 3231. Reference Paragraphs 2 through 52 of the Affidavit in support.

7. The Federal Actors have participated in gross violations, prosecutorial misconduct, have induced judicial misconduct, have obtained evidence by unlawful seizure, have unlawfully seized and withheld property, and have committed acts in contempt of court in violation of PUBLIC POLICY and the Fourth, Fifth and Sixth Amendments to the Constitution. Reference Paragraphs 53 through 107 of the Affidavit in Support.

8. This Court has previously recognized similar prosecutorial misconduct of the Federal Actors as a pattern and practice under judicial cognizance pursuant to PUBLIC POLICY Federal Rules of Evidence ("FRE"), Rule 404(b). See United States of America v. Fouina C. Toilol et al, USDC Case No. 1:11-cr-00506 LEK.

9. The Federal Actor, KENNETH M. SORENSEN, has admitted under penalty of perjury in his DECLARATION OF KENNETH M. SORENSEN, dated the Seventh (7<sup>th</sup>) Day of January, 2014, which was filed in Case Numbers, 14-0029 BMK, 14-0030 BMK, 14-0031 BMK, 14-0034 BMK, 14-0035 BMK, 14-0036 BML, 14-0038 BMK, 14-0047 BMK, 14-0048 BMK, 14-0049 BMK, 14-0050 BMK, that as of the day of his declaration no presentment had been made to the grand jury for indictment when he stated:

*"I am informed and believe that said investigation is ongoing and will continue beyond the date of service of the warrant and filing of the return thereon **until the matter is presented to the grand jury for indictment or other disposition.** [emphasis added]"*

10. This Court must rely upon the sworn statements made by Federal Actor, Kenneth M. Sorenson, that this matter was not presented to a properly impanelled grand jury, and must dismiss the fictitious indictment.

11. The additional vindictive prosecutorial actions of Federal Actor, Nick Baron are in violation of the Fourth, Fifth and Sixth Amendments have caused undue harm to McTigue, Jennifer Ann and have prejudiced her unalienable rights. Reference Paragraphs 53 through 107 of the Affidavit in Support.

12. The unlawful seizure of the property of McTigue, Jennifer Ann stems from fruit of the poisonous tree obtained by an unlawful grand jury subpoena used to induce judicial misconduct.

13. At no time has a grand jury been impanelled and this Court lacks jurisdiction as a court of competent jurisdiction to issue warrants.

WHEREFORE, for the reasons established herein and in the Affidavit in Support, McTigue, Jennifer Ann moves this Court for an immediate dismissal with prejudice of the Indictment for lack of jurisdiction, improper venue and as a sanction for prosecutorial and judicial misconduct and vindictive prosecution, and for any all other just relief under her claim of indemnity for contribution.

Respectfully submitted this 29<sup>th</sup> Day of August, 2014

  
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McTigue, Jennifer Ann  
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